

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAVID LEE,

Plaintiff,

-v-

**THE CITY OF MORaine
FIRE DEPARTMENT, et al.,**

Defendants.

Case No. 3:13-cv-222

**Judge Thomas M. Rose
Chief Magistrate Judge Sharon L. Ovington**

**ENTRY AND ORDER OVERRULING LEE’S OBJECTIONS (Doc. #27) TO
THE CHIEF MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATIONS; ADOPTING THE CHIEF MAGISTRATE
JUDGE’S REPORT AND RECOMMENDATIONS (Doc. #24) IN ITS
ENTIRETY AND GRANTING IN PART AND DENYING IN PART
LOCAL 2981’S MOTION TO DISMISS**

Plaintiff David Lee (“Lee”) brought this action against Defendants City of Moraine Fire Department, City of Moraine and Moraine Professional Firefighters Association, IAFF Local 2981 (“Local 2981”) alleging age discrimination in violation of Ohio and Federal law, genetic discrimination in violation of the Genetic Information Nondiscrimination Act and retaliation in violation of Ohio and Federal law. (Doc. #1.) Local 2981 then filed a Motion To Dismiss all of the claims against it. (Doc. #15.)

On May 2, 2014, Chief Magistrate Judge Sharon L. Ovington issued a Report and Recommendations recommending that Local 2981's Motion To Dismiss be granted in part and denied in part. (Doc. #24.) Lee subsequently objected to this Report and Recommendations (doc. #27) and Local 2981 responded to Lee’s objections (doc. #28). This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Lee's Objections to the Chief Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Chief Magistrate Judge's Report and Recommendations is adopted in its entirety.

Local 2981's Motion To Dismiss is granted in part and denied in part. It is granted to the extent that Lee's claims against Local 2981 for age discrimination in violation of Ohio Rev. Code §§ 4112.14 and 4112.99 are dismissed with prejudice. Otherwise, Local 2981's Motion To Dismiss is denied.

DONE and ORDERED in Dayton, Ohio, this Ninth Day of June, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record